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KEVIN STOCK
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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE**

TEENA GARCIA-RIMESTAD,
Plaintiff,

vs.

SAFEWAY INC., an American Corporation ,
and "DOES" I through X

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES

COMES NOW Teena Garcia-Rimestad, and, for a cause of action against the defendants,
complains and alleges as follows:

I. JURISDICTION AND VENUE

1.1 Plaintiff Teena Garcia-Rimestad, at all times material, is a resident of Pierce County,
Washington.

1.2 Defendant Safeway, Inc., is a for profit corporation, with principal office address in
Pleasanton, California, and duly licensed to operate in Washington state, whose Registered
Agent in the State of Washington is CT Corporation System, 711 Capitol Way South, Suite
204, Olympia, Washington 98501.

1.5 Defendant Safeway, Inc., at all times relevant to this complaint, is the owner of the Safeway store where the plaintiff was injured in Puyallup, Pierce County, Washington.

1.6 "Does" I through X are presently unknown corporations, limited liability companies, employees, agents, or contractors, and their respective spouses and marital communities, managing the premises, or otherwise responsible for keeping the premises of the Safeway store in which plaintiff was injured reasonably safe for customers and invitees.

1.7 Defendant Safeway Inc, is liable for any and all acts and omissions of any employees, agents, or contractors of Safeway Inc.and/or any "Does" I through X referenced in Paragraph 1.6 above complained of herein under the doctrine of *respondeat superior*. herein

1.8 The acts and omissions of any individual "Does" I through X complained of herein were performed for the benefit of their respective spouses and marital communities,

1.9 All acts and omissions complained of herein occurred in Pierce County, Washington.

1.10 Jurisdiction and Venue are proper in this Court.

II. FACTS AND INJURY

3.1 Plaintiffs re-allege paragraphs 1.1 through 1.10.

3.2 At the time of the incident giving rise to this lawsuit, Plaintiff Teena Garcia-Rimestad did not have any physical constraints and was leading an active life.

3.3 On July 3rd, 2017 at approximately 12:30 P.M., Plaintiff Teena Garcia-Rimestad entered the Safeway grocery store located at 5616 176th Street East in Puyallup, Pierce County, Washington, 98375 as a patron and invitee.

3.4 While inside the premises, Plaintiff Teena Garcia-Rimestad was shopping and had kneeled down to view the items on the lower shelf of a clearance rack.

1 3.5 Suddenly and without warning, a Defendant Safeway Inc.'s employee came out of the back
2 store-room pushing a cart through the large double doors. When the doors flew open, one
3 of the doors forcefully struck the right side of Plaintiff Teena Garcia-Rimestad, knocking
4 her down to the floor hard on her left side.

5 3.6 Defendant Safeway Inc.'s employee then ran his heavy cart over Plaintiff Teena Garcia-
6 Rimestad's toes while she was still on the ground.

7 3.7 Plaintiff Teena Garcia-Rimestad suffered personal injuries as a direct and proximate result
8 of the accident, including but not limited to injuries to her right shoulder, neck, arms, upper
9 back, right knee and toes.

10 3.8 Following the accident at Defendant Safeway Inc.'s Safeway store on July 3rd, 2017, and
11 after the failure of conservative treatment to heal the injury to Plaintiff Teena Garcia-
12 Rimestad's right knee, she was left with no choice but to undergo an invasive surgery to
13 repair the damage caused to the aforementioned knee. Plaintiff Teena Garcia-Rimestad
14 endured the complete right knee arthroscopy on August 15th, 2019 with Dr. Erin Kawasaki,
15 DO, at the Kaiser Tacoma Medical Center located on 209 Martin Luther King Jr. Way in
16 Tacoma, Washington 98405.

17 3.9 The employee referenced in Paragraphs 3.5 and 3.6 above was acting within the
18 scope of his employment when he committed the acts and omissions referenced above.
19 He also was breaching the duty of ordinary care to the invitee as an agent of defendant
20 Safeway, Inc.
21
22

1 3.10 Defendant Safeway, Inc., directly, or through "Does" I through X and/or agents,
2 contractors, and other employees of Defendant Safeway, Inc., also breached its
3 duty of ordinary care to plaintiff in the training and supervision of the employee
4 referenced in Paragraphs 3.5 and 3.6 above, and breached its duty of ordinary care
5 both in the placement of the clearance rack referenced in Paragraph 3.4 in such close
6 proximity to the large double doors to the back storeroom, and in its failure to
7 place a warning sign or otherwise warn customers of the potential danger.

8
9 **IV. RESPONDEAT SUPERIOR**

10 4.1 Defendants are liable for the acts and omissions of defendants' employees, agents, and
11 contractors under the Doctrine of Respondeat Superior

12 **V. FIRST CAUSE OF ACTION**

13 5.1 Plaintiffs reallege each and every allegation set forth above in Paragraphs 1.1 through
14 4.1.

15 5.2 Defendant(s) owe a duty of due care and ordinary care to customers of the Safeway owned,
16 maintained, and supervised by Defendant(s) to prevent dangerous conditions on store
17 property, in which customers could be injured by the grocery store's operations.

18 5.3 Plaintiff Teena Garcia-Rimestad was a customer and invitee of the Safeway grocery store
19 that is owned, maintained, and supervised by Defendants.

20 5.4 Plaintiff Teena Garcia-Rimestad was lawfully on store property at the time of the incident.

21 5.5 Defendants breached their duty of due care by failing to prevent a dangerous condition
22 which was not readily observable.

23 5.6 Defendants breached their duty of due care by failing to provide notice of a dangerous
condition.

1 5.7 Defendants also breached their duty of care by failing to prevent a dangerous condition that
2 could cause a person to be thrown to the ground and injured.

3 5.8 The injuries sustained by Plaintiff Teena Garcia-Rimestad were proximately caused by
4 Defendants' breach of duty.

5 5.9 As a result of the negligence of the Defendants, Plaintiff Teena Garcia-Rimestad was
6 injured generally and specially in an amount to be proven at the time of trial.

7 **V. NOTICE RE LIABILITY**

8 5.1 In the event the defense denies liability in its Answer or any other legal pleadings filed
9 herein, Plaintiff provides advance notice that it will request CR 11 sanctions for the filing
10 of a baseless pleading. This notice is provided as a courtesy in light of the clear and
11 undisputed facts in this matter regarding the happening of this occurrence.

12 **VI. PRAYER FOR RELIEF**

13 WHEREFORE, the Plaintiff(s) pray for a judgment of liability against the Defendant(s) as
14 follows:

- 15 1. For an award of damages compensating Plaintiff Teena Garcia-Rimestad for physical
16 injuries in an amount to be proven at trial.
- 17 2. For an award of damages compensating Plaintiff Teena Garcia-Rimestad for past, present
18 and future medical and other out-of-pocket expenses in an amount to be proven at trial.
- 19 3. For an award of damages compensating Plaintiff Teena Garcia-Rimestad for past, present,
20 and future pain and suffering, mental anguish, emotional distress, and other general
21 damages in an amount to be proven at trial.
- 22 4. For an award of damages compensating Plaintiff Teena Garcia-Rimestad for past, present,
and future loss in income in an amount to be proven at trial.

- 1 5. For an award of attorneys' fees in an amount to be proven at trial.
- 2 6. For an award of prejudgment interest on general and special damages directly and
- 3 proximately caused by the negligence alleged herein in an amount to be proven at trial.
- 4 7. For an award of damages compensating Plaintiff for costs and disbursements herein in an
- 5 amount to be proven at trial.
- 6 8. For such other and further relief as the Court deems just and equitable.

7 **DATED THIS 30th day of June, 2020.**

8 **LAW OFFICES OF GREENE & LLOYD, P.L.L.C.**

9 **/S/ ROBERT D. LLOYD**

10 Robert D. Lloyd, WSBA #28960
11 Attorney for Plaintiff